

December 18, 2018



Mr. Daniel Benas
Water Resource Control Engineer
Central Valley Regional Water Quality Control Board
1685 'E' Street
Fresno, CA 93706

151350

Subject: Comments on Tentative Waste Discharge Requirements for
Liberty Packing Company, LLC, Merced County

Dear Mr. Benas:

Liberty Packing Company, LLC (Liberty) appreciates effort by Regional Board staff to develop appropriate waste discharge requirements for its operations. Comments on the Tentative waste discharge requirements (tentative WDRs) are provided below.

FINDINGS

57. This Order sets an irrigation cycle average BOD loading rate for the LAA of 150 lbs/acre/day consistent with Risk Category 3 in the Manual of Good Practice based on the site-specific evaluation conducted (see Finding 19), and requires the Discharger to ensure the even application of wastewater over the available LAAs.

Here and in other parts of the WDRs, "even" is used to describe application uniformity. Fully even application is impossible to achieve in an agricultural setting and Morning Star would therefore be out of compliance immediately. We suggest replacing "the even" with "reasonably uniform".

Please also see comment below on Finding 62C regarding the cycle average BOD loading rate limit.

62.C. A cycle average BOD loading limit of 150 lbs/acre/day;

As was shown in Table 4 of the Tentative WDRs, BOD loading in recent years has often been above the 150 lb/ac/d proposed limit. This has occurred without any odor complaints or evidence of groundwater degradation due to BOD loading. In respect of this, the discharger should be given a timetable for implementing changes, as is custom practice in these situations (California Water Code Section 13300 Time Schedule Order). Timetables given to dischargers can be up to 5 years or more in duration.

Rather than be in immediate noncompliance in 2019, Liberty should be given a timetable for demonstrating that a higher loading rate is still protective of beneficial uses. If the evaluation does not demonstrate adequate assurance of beneficial use protection, then Liberty should have a timetable for developing a plan for changing LAA operations or reducing BOD concentrations to be consistent with the Manual of Good Practice guidelines referenced in Findings 55, 56, and 57. The plan would include an implementation schedule. As long as Liberty is performing in accordance with the

prescribed timetables and not causing nuisance odors, Liberty should be exempt from violations and fines for BOD loading during the study and implementation periods.

ORDER SPECIFICATIONS

A. Discharge Prohibitions.

8. *Off-site discharges of tile drainage unrelated to crop production is prohibited.*

To avoid possible confusion, we suggest changing the wording to:

Off-site discharges of tile drainage from sources unrelated to groundwater level control for crop production are not allowed under this Order.

C. Effluent and Mass Loading Limitations

Same comment as for Finding 62.C above regarding BOD loading rate limitation.

D. Discharge Specifications

7. *The Discharger shall design, construct, operate, and maintain all ponds sufficiently to protect the integrity of containment dams and berms and prevent overtopping and/or structural failure. The operating freeboard in any pond (except the Fish Pond) shall never be less than two feet (measured vertically from the lowest possible point of overflow).*

As noted in comments on the Administrative Draft, this should only apply to earthen berms and levees. Liberty has concrete channels in connection with ponds that are designed for and operated at 6 inches of freeboard. Suggested wording would be:

... The operating freeboard for earthen containment berms or levees in any pond...

12. *Storage of residual solids, including cull tomatoes, vines, and pomace (seeds and skins) on areas not equipped with means to prevent storm water infiltration, or without a leachate collection system is prohibited.*

Allowance for temporary storage on an unlined surface of solids that have already been drained during the processing season is requested. The storm water infiltration and leachate generation potential would be minimal during processing season months.

E. Groundwater Limitations

It is unclear what “natural” means in paragraph 1. As noted in Finding 64, water quality on and around the site has been affected by anthropogenic activities. Finding 64 also states that “*this Order does not authorize any continued degradation beyond that which exists today for those constituents.*” Finding 64 would imply that the intent of the Order is to prevent any additional degradation beyond current conditions, which have been affected by anthropogenic activities. Deleting the word “*natural*” or replacing it with “*current*” would more closely match Finding 64.

F. Land Application Area Specifications

10. *Discharge to the LAA shall not be performed during rainfall or when the ground is saturated.*

At face value, this specification would effectively prohibit flood irrigation of the LAA because flood irrigation by definition saturates the top soil surface. Furthermore, irrigation during limited rainfall periods have no detrimental effect on soil or groundwater conditions.

We propose language similar to the language applied in recently issued Order Number R5-2018-0051:

“9. Discharge to the LAA shall not be initiated when the ground is saturated.”

H. Provisions

2.b.ii. *Measures to ensure even application of wastewater.*

The word “even” implies 100% uniformity, which is impossible to achieve with any agricultural irrigation system. We propose substituting “*reasonably uniform*” for “even”. This change would also apply to the last sentences in Findings 11 and 57.

MONITORING AND REPORTING PROGRAM

III. REPORTING REQUIREMENTS

A. Quarterly Monitoring Reports

3.b.i. For the BOD5 loading, the reporting of daily loading for each field is specified. While these values are typically calculated in an intermediate step for calculating cycle average BOD loading rates, reporting all these values would require an excessively long table and would not be used for comparison with discharge requirements. A copy of the confidential Excel workbook or other calculation tool with the intermediate calculations could be provided if Regional Board staff wished to verify the intermediate values used in the cycle average calculations. Other recently issued similar permits (R5-2018-0051 and tentative WDRs for Morning Star Williams) do not require submittal of daily BOD loadings.

B. Annual Monitoring Reports

4. *Calculate flow-weighted annual average FDS concentration for each discrete irrigation area within the LAA.*

For consistency with other sections in the MRP and other similar permits, “*discrete irrigation area*” should be replaced with “*field*.”

9. and 10. Annual updates to work plans.

Once the implementation actions for the Salinity Reduction Work Plan and the Metal Evaluation and Minimization Plan are complete, there is no rationale to keep providing updates in the annual report.

INFORMATION SHEET

Page 3, second paragraph, first sentence

We propose language consistent with our comment on Discharge Prohibition 8.

The Order does not allow the off-site discharge of tile drainage from sources unrelated to groundwater level control for crop production.

SUMMARY AND CONCLUSIONS

We appreciate the modifications made during the development of the tentative WDRs to more closely address site specific conditions at the Liberty site. As described above, several issues remain that would make compliance difficult or impossible. We would like to resolve those issues in good faith while still achieving the common objective of protecting the beneficial uses of local water resources.

Please let me know if you have any additional questions.

Sincerely,

Brown and Caldwell



Robert Beggs, Ph.D., P.E.
Project Manager



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